

REMARKS/ARGUMENTS

In response to the restriction requirement stated in the Office Action, Applicants elect the claims of Group I (claims 2-3, 41-42, and 54-55) for further prosecution. Applicants understand that the linking claims (claims 1, 8-14, 31-24, 40, 47-53, and 60-64) also will be examined, and upon allowance, the claims of Group II (i.e., claims 4-7, 17-20, 43-46 and 56-59) also will be examined.

Applicants traverse the restriction requirement because it does not address all pending claims. Specifically, the Office Action does not place claims 15, 16, or 65 within any of the Groups, nor does it classify these claims as linking claims. Applicants suggest that claims 15 and 16 should be included in Group II and claim 65 should be considered with claim 52 and 60-64 as linking Groups I and II (see Office Action, page 3). In any event, Applicants request that the Office clarify how claims 15, 16, and 65 are to be treated vis-à-vis the restriction requirement.

The Office Action also requires election of species from certain genera. Applicants' elections are as follows:

1. For the species of osteogenic factor or growth factor, relevant to claims 10, 22, 37, 49, 63, 79, and 91 (Office Action, page 10, paragraph 1), Applicants elect Bone Morphogenic Factor (BMP). BMP is recited in claims 11, 23, 38, 50, 63, 79, and 91, and BMP is within the scope of any claims upon which claims 11, 23, 38, 50, 63, 79, and 91 depend.
2. For the species of formulation of PP relevant to claims 1, 14, 25, 40, 52, 66, and 84 (Office Action, pages 10-11, paragraphs 2 and 3), Applicants elect a toothpaste. A toothpaste is recited in claims 12, 24, 39, 51, 64, 80, and 84, and a toothpaste is within the scope of any claims upon which claims 12, 24, 39, 51, 64, 80, and 84 depend.
3. For the species of carrier (biodegradable polymer, biocompatible ceramic, or combination) relevant to claim 83 (Office Action, pages 11-12, paragraph 4), Applicants elect

biodegradable polymer. This is recited in claim 84 and is encompassed by claim 83, upon which claim 84 depends.

4. For the species of water soluble polymer relevant to claim 93 (Office Action, page 12, paragraph 5), Applicants elect polyethylene glycol. This is recited in claim 94 and is encompassed by the claims upon which claim 94 depends.

5. For the species of non-water soluble polymer relevant to claim 93 (Office Action, page 12, paragraph 6), Applicants elect polycaprolactone (PCL). This is recited in claim 95 and is encompassed by the claims upon which claim 95 depends.

6. For the species of ceramic relevant to claim 92 (Office Action, page 13, paragraph 7), Applicants elect hydroxyapatite. This is recited in claim 96 and is encompassed by the claims upon which claim 96 depends.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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